

February 3, 1997

DURHAM, NORTH CAROLINA  
MONDAY, FEBRUARY 3, 1997  
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

Also present: Interim City Manager Cecil Brown, City Attorney William I. Thornton, Jr. City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Kerckhoff called the meeting to order asking for priority items from the City Manager, City Attorney and City Clerk. Interim City Manager Brown recognized Chester Jenkins, of the Human Relations Department, for comments relative to the Hispanic Community.

**SUBJECT: HISPANIC/LATINO COMMUNITY CONCERNS**

Chester Jenkins noted the Human Relations Commission has been working with the Hispanic Community for several months trying to acquaint them with the community. At this time, Mauricio Castro, spokesperson for the Latino Community, made the following comments:

As you may know, the increasing number of Latinos coming to the area has created a positive presence in many ways. Hispanic businesses are being opened all around the Durham area. These businesses are in the form of restaurants, convenience stores, landscaping companies, construction companies, and others. All of these undoubtedly have brought growth to the local economy as well as greater multiculturalism to this community.

On January 7, 1997, members of the Latino community held a meeting at El Centro Hispano, a Hispanic community organization to discuss a wave of crimes against our people. Many of the crimes have been in the form of home invasions, armed robberies, assaults, and in one instance, rape. At the time of the meeting, over 10 crimes had been committed. Present at the January 7th meeting were members of the press, Durham Police Department representatives, and other personnel from the City of Durham. The following issues were brought to the discussion. Victims gave testimonies of their cases, in which they stated the following:

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1. There aren't enough police patrolling the areas where the incidents are happening, thereby leaving us in a very vulnerable position.
2. It's evident that illegal trafficking of drugs and firearms has exaggerated the problem, and it seems that areas where mostly Latinos live are being used for all kinds of illegal activities.
3. There is an urgent need to assign bilingual operators to the 911 emergency system in order to facilitate communication.
4. There isn't any information available in Spanish about the laws and regulations of the City, which causes ignorance about the laws that all residents are expected to obey.
5. The relationship between the Latino community and the Durham Police Department needs to improve. Police officers may not have had cross-cultural experience or training to enable them to communicate better with Latino residents. And within the Latino community, there is great mistrust and fear of the Police Department. In order to improve this relationship, we need the full cooperation of both the Police Department and the Latinos in Durham.
6. In conclusion, these crimes have continued to happen and, in fact, have even increased. In some cases, the same criminals have perpetrated the same crime against the same victims more than once.

I would like to talk now about the commitment that the Hispanic community is prepared to make.

1. We will commit to developing programs and forums to educate and inform our community about crime prevention, with El Centro Hispano providing leadership and mediation.
2. We will work to develop a direct cooperative relationship between the Durham Police Department and the Hispanic community. El Centro Hispano will host meetings with members of the Police Department and community leaders to assist us in the process of understanding each other's roles and responsibilities.
3. We will fully cooperate with the current

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investigations and any future cases by giving information to investigators about crimes committed, as well as reporting suspicious activities in our neighborhoods.

4. We need to increase the number of interpreters, who will help to ease the problem of direct communication. They will translate complaints and information that could be important to the cases.

We expect to hear from you regarding any input or solutions you can suggest to resolve these urgent issues. Thank you for your time and interest.

Mauricio Castro, Spokesperson  
for the Latino Community

In response to the comments made by Mr. Castro, Interim City Manager Brown made the following recommendations:

To assist the collective community in more effective communication with the City administration and with the community, plans are being made to seek and hire qualified Latinos that, as a part of their regular duties, will have the responsibility of interfacing with the Latino/Hispanic community.

To assure the Latino/Hispanic community that city officials are equally concerned about their affairs as all other residents of Durham, I am making the following recommendation to the City Council: "That the Mayor and City Council issue a proclamation that reconfirms that all residents of the City are treated fairly regardless of race, sex, color, religion, national origin, disability and/or age, according to Title VII of the Federal Civil Rights Laws."

The concern that there are no 911 operators will be addressed immediately. This action will occur through new hires and training.

The City, through the Human Relations Department, will continue to work with the Latino community to bring about a more enlightened understanding within the community at large regarding the City's new residents.

The Office of Public Information will work with the Hispanic Center to provide city brochures and other publications translated into Spanish.

Mr. Brown stated he would meet with police officers to

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follow-up on the items of concern relative to the Police Department.

Jackie Carroll-Garcia, a city employee, noted that before the death of Carl Washington, he suggested that activities be provided in the recreation department to bring together both cultures [African-American and Hispanic].

Mayor Kerckhoff and Council thanked the Hispanic Community for attending the meeting and sharing their concerns.

**MOTION** by Council Member Larson seconded by Council Member Miller to refer the concerns of the Hispanic Community to the administration was approved at 8:00 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

City Attorney Thornton requested a closed session after the regular business of council to discuss pending litigation involving two cases [City of Durham vs. Lodal Inc.] and [Smith Chapel Baptist Church & Others vs. City of Durham] **[No priority items from the City Clerk]**

**MOTION** by Council Member Larson seconded by Council Member Miller to go into closed session after the regular business of council to discuss pending litigation was approved at 8:01 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Mayor Kerckhoff informed the council that Pat Bartee was requesting that Consent #18 be held until the March 3, 1997 City Council Meeting. Interim City Manager Brown requested that Consent #3 be referred to the administration to be reviewed by the Quality of Life Team and to defer Consent #5 to the February 17, 1997 City Council Meeting. The Mayor noted the revisions made to the Consent Agenda at the Committee-of-the-Whole Meeting. Relative to Consent Item 12, Mayor Pro Tem Robinson requested the administration report to council on a quarterly basis on firms that were not previously approved.

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**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to approve the Consent Agenda as amended was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**CONSENT AGENDA**

**SUBJECT: STATUS REPORT FROM OVERSIGHT COMMITTEE FOR SELECTION OF CITY MANAGER**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to receive a status report from the Oversight Committee for the Selection of City Manager was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: STATUS REPORT ON RALEIGH-DURHAM AIRPORT AUTHORITY ISSUES AND PROJECTS**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to receive a status report on Raleigh-Durham Airport Authority issues and projects was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: REPORT FROM ENVIRONMENTAL AFFAIRS BOARD CONCERNING SOLID WASTE REDUCTION RECOMMENDATIONS**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to receive a report from the Environmental Affairs Board concerning solid waste reduction recommendations; and

To refer the report to the administration to be reviewed by the Quality of Life Team was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

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**SUBJECT: MAYOR'S NOMINATION TO THE RALEIGH-DURHAM AIRPORT  
AUTHORITY**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to approve the Mayor's nomination of Lenore Behar to the Raleigh-Durham Airport Authority for a two-year term to expire January 1, 1999 was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: PROPOSAL TO OUTSOURCE PARKING MANAGEMENT IN DOWNTOWN  
DURHAM**

To approve in concept the Proposal to Outsource Parking Management in Downtown Durham as recommended by the Administration and Downtown Durham, Inc. and to direct the Administration to proceed with drafting a contract.

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to refer this item to the February 17, 1997 City Council Meeting was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: ORDINANCE AMENDMENT CONCERNING COLOR SCHEMES OF  
TAXICABS LICENSED BY THE RALEIGH-DURHAM AIRPORT  
AUTHORITY**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt "An Ordinance Amending Section 22-60 of the Durham City Code Concerning the Color Schemes of Taxicabs Licensed by the Raleigh-Durham Airport Authority" was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Ordinance #11017**

**SUBJECT: USE OF CONTROLLED SUBSTANCE TAX DISTRIBUTION REVENUE  
AND FEDERAL ASSET FORFEITURE REVENUE**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to authorize the use of Controlled Substance Tax

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Distribution Revenue and Federal Asset Forfeiture Revenue in a combined amount not to exceed \$27,000 to purchase an upgraded telephone system for the basement and first floor of Police Headquarters was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: DURHAM ATHLETIC PARK RENTAL RATES - COASTAL PLAIN LEAGUE AND WOMEN'S PROFESSIONAL FASTPITCH**

a. Revision of Durham Athletic Park Rental Rates

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt a "Resolution Amending Resolution #8050 Approving Parks and Recreation Fee Changes" to revise Durham Athletic Park rental rates was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Resolution #8301**

b. Proposed Lease of Durham Athletic Park (DAP) to the Coastal Plain League, L.L.C.

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to authorize the City Manager to execute the Lease Agreement between the City of Durham and the Coastal Plain League, L.L.C. in substantially the form and contents as presented to the City Council, but with such changes as may be deemed appropriate by the City Manager, provided such changes do not materially affect the intent and purpose of the lease was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

c. Proposed Lease of Durham Athletic Park (DAP) to the Women's Professional Fastpitch, L.L.C.

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to authorize the City Manager to execute the Lease Agreement between the City of Durham and the Women's Professional Fastpitch, L.L.C. in substantially the form and contents as presented to the City Council, but with such

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changes as may be deemed appropriate by the City Manager, provided such changes do not materially affect the intent and purpose of the lease was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: DOWNTOWN DURHAM LOAN POOL, REQUEST FOR FUNDING - PHOENIX PARTNERS, JAMES L. CONNER, II AND ALEX DANIEL BASTEDO, 311 EAST MAIN STREET**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to authorize the City Manager to execute the Non-Recourse Loan Participation Agreement with Centura Bank in an amount not to exceed \$112,500 to provide for participation by the City in the Centura Bank loan to Phoenix Partners, L.L.C. and James L. Conner, II and Alex Daniel Bastedo for the acquisition and renovation of 311 East Main Street; and, to execute related loan closing documents and to make minor changes to the Non-Recourse Loan Participation Agreement and other related loan closing documents as are consistent with the loan terms and the Downtown Loan Pool Program requirements approved by City Council was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: DOWNTOWN DURHAM LOAN POOL, REQUEST FOR FUNDING - ELECTRICAL ENGINEERS AND DESIGNERS, WAYNE PETERSEN AND JERRI NEESE, 415 EAST CHAPEL HILL STREET**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to authorize the City Manager to execute the Non-Recourse Loan Participation Agreement with Wachovia Bank in an amount not to exceed \$60,000 to provide for participation by the City in the Wachovia Bank loan to Electrical Engineers and Designers, PC and Wayne Petersen and Jerri Neese for the acquisition and renovation of 415 East Chapel Hill Street; and, to execute related loan closing documents and to make minor changes to the Non-Recourse Loan Participation Agreement and other related loan closing documents as are consistent with the loan terms and the Downtown Loan Pool Program requirements approved by City Council was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.



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**SUBJECT: CAPITAL PROJECT ORDINANCE AMENDING ORDINANCE #10776  
CONCERNING AFFORDABLE HOUSING**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt a "Capital Project Ordinance Amending Ordinance #10776 Concerning Affordable Housing" to allow for the re-use of loan repayment money on previously approved projects funded with Affordable Housing Bond money was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Ordinance #11018**

**SUBJECT: RISK MANAGEMENT COUNSEL**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to authorize the City Manager to approve employing additional counsel in Risk Management cases (i.e., in addition to firms previously approved by the City Council) and to approve payment of fees deemed appropriate by the Risk Manager and City Manager to firms employed in Risk Management cases; and

To direct the administration to report to Council quarterly on firms not previously approved was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: ADMINISTRATIVE AUDIT OF CITY GOVERNMENT AROUND THE  
ISSUES OF DIVERSITY, SENSITIVITY, AND EQUITY**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to approve the recommendations from the Interim City Manager as outlined below was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

1. That a committee composed of three City Council Members, the Director of Human Resources, the Director of Human Relations, and the Director of Equal Opportunity/Equity Assurance departments be empowered to develop a Request for Proposal (RFP) to secure the services of an

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individual that would serve as a Coordinator.

2. That the name of the Affirmative Action Department be officially changed to the Equal Opportunity/Equity Assurance Department.

**SUBJECT: RESOLUTION MEMORIALIZING CARL E. WASHINGTON**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to direct the City Clerk to draft a resolution memorializing the life and work of Carl E. Washington was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: PROPOSED AMENDMENT AND AMENDMENT-CLARIFICATION TO ZONING ORDINANCE CONCERNING STANDARDS FOR NON-CONFORMING LOTS**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt a resolution to schedule public hearings on Monday, February 17, 1997 to consider an amendment to the Zoning Ordinance concerning nonconforming lots and amendment/clarification for requiring recombination of lots in watershed districts was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Resolution #8302**

**SUBJECT: EASTERN REINFORCING MAIN**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to receive a report from the Engineering Department concerning progress on working with concerned citizens in acquiring property for the Eastern Reinforcing Main; and

To approve the proposed route of the Eastern Reinforcing Main and to direct the Engineering Department to proceed with the project was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

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**SUBJECT: REPORT FROM ADMINISTRATION CONCERNING POLICE RECORDS  
DIVISION AND STAFFING**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to receive a report from the Administration concerning Police Records Division staffing and to concur with the Administration's recommendation to use temporary assistance until mobile data terminals are operational in order to reduce the backlog in the Police Records Division was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: SETTING PUBLIC HEARING AT CITIZEN'S REQUEST  
CONCERNING "AN ORDINANCE AMENDING THE WATERSHED  
PROTECTION PROVISIONS OF THE DURHAM ZONING  
ORDINANCE"**

To set a public hearing on Monday, February 17, 1997 concerning "An Ordinance Amending the Watershed Protection Provisions of the Durham Zoning Ordinance" at the request of a citizen.

Earlier in the meeting, Mayor Kerckhoff informed the Council that Pat Bartee requested that this item be referred to the March 3, 1997 City Council Meeting.

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to refer this item to the March 3, 1997 City Council Meeting was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: BID REPORT - NOVEMBER 1996**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to approve and record in the minutes bids and items which were acted upon by the City Manager during the month of November 1996 was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**[See Attachment #1 for itemized bid report]**

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**SUBJECT: SETTING PUBLIC HEARING ON PROPOSED PLAN OF FINANCING  
PRIVATE ACTIVITY REVENUE BONDS - PARKVIEW APARTMENTS**

To set a public hearing on Monday, February 17, 1997 to receive citizens' comments on a proposed plan of financing by the City for the issuance of its private activity revenue bonds in an amount not to exceed \$5,500,000 for the financing, acquisition, construction and rehabilitation of a multifamily residential rental project currently known as Parkview Apartments by a limited partnership to be formed by The Regency Group, Inc. and the AKA Sorority.

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to refer this item to the February 17, 1997 City Council Meeting was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: PARKING PROHIBITION - JUNIPER STREET**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt an ordinance to prohibit parking at all times on the south side of Juniper Street in the area beginning at the west curb line of Manteo Street (unopened), if extended, and extending for a distance of 50 feet westwardly was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Ordinance #11019**

**SUBJECT: PARKING PROHIBITION - RED OAK AVENUE**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt an ordinance to prohibit parking at any time on the south side of Red Oak Avenue from Gaston Avenue to Hemlock Avenue was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Ordinance #11020**

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**SUBJECT: PARKING PROHIBITION - SOUTH ROXBORO STREET**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt an ordinance to prohibit parking at any time at the following locations:

- 1) On the west side of South Roxboro Street in the area beginning at the south curb line of Lodge Street, if extended, and extending for a distance of 68' southwardly; and
- 2) On the west side of South Roxboro Street in the area beginning at the north curb line of Lodge Street, if extended, and extending for a distance of 57' northwardly

was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Ordinance #11021**

**SUBJECT: STOP SIGNS - WHITEHALL SUBDIVISION**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt an ordinance to authorize the installation of stop signs at the following locations:

- 1) West Wyndham Lane at Cole Mill Road, southwest corner;
- 2) Bramerton Court at West Wyndham Lane, southeast corner; and
- 3) Yorkshire Drive at West Wyndham Lane, northwest corner

was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Ordinance #11022**

**SUBJECT: STOP SIGN - WOODLAKE SUBDIVISION**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt an ordinance authorizing the installation of a stop sign on Wiloughby Court at Chesden Drive, northwest

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corner was approved at 8:12 p.m. by the following vote:  
Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Ordinance #11023**

**SUBJECT: STOP SIGNS - PINE GLEN TRAIL**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) Pine Glen Trail (6000 Block) at N.C. Highway 54, northwest corner; and
- 2) Pine Glen Trail (6200 Block) at N.C. Highway 54, northwest corner

was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Ordinance #11024**

**SUBJECT: STOP SIGNS - PINE RIDGE APARTMENTS**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) On Torrey Pine Lane at Fayetteville Road, northeast corner; and
- 2) On Monterrey Creek Drive at Fayetteville Road, northeast corner

was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Ordinance #11025**

**SUBJECT: STOP SIGNS - WINSTEAD SUBDIVISION**

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**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt an ordinance authorizing the installation of stop signs at the following locations:

- 1) Onley Drive at Middlebrook Drive, northwest corner;
- 2) Biddle Court at Middlebrook Drive, northwest corner; and
- 3) Beltre Court at Middlebrook Drive, southeast corner

was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Ordinance #11026**

**SUBJECT: TIME PAYMENT PETITIONS**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to approve the three (3) Time Payment Petitions listed below was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

1. Phillip and Jackie Butcher - 1802 Bradford Circle - Sewer Lateral and Sewer Capital Facility Fee
2. William Clyde and Diane Renfrow II - 3908 Hope Valley Road - Sewer Lateral and Sewer Capital Facility Fee
3. Josephine W. Smith - 2815 Cadillac Avenue - Water Capital Facility Fee

**SUBJECT: RESCINDING TIME PAYMENT PETITION - 404 SOUTH RIVERDALE DRIVE, PROPERTY OF WILLIAM E. AND SHARON HECKMAN**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to rescind City Council action of October 7, 1996, confirming a Time Payment Petition for a sewer lateral, sewer main and sewer capital facility fee at 404 South Riverdale Drive (property of William E. and Sharon Heckman) was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes:

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None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN PETITIONED IMPROVEMENTS**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to accept a Certificate of Sufficiency from the City Engineer for each of the following petitions, and

To adopt resolutions setting public hearings on Monday, February 17, 1997 to consider ordering the following improvements:

- a. **Water Main - Oakview Street** from Pennock Road to West Property Line Tax Map 636-8-15;
- b. **Water Main - U.S. 15-501** from Massey Road to Smith Drive; and
- c. **Sewer Main - Oakview Street** from Pennock Road to West Property Line Tax Map 636-8-15 and **Oakview Street Outfall** from Oakview Street to Pennock Road Outfall

was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN ASSESSMENT ROLLS**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to adopt resolutions setting public hearings on Monday, February 17, 1997 for confirmation of the following assessment rolls:

- a. **Water Main - Cortez Drive** from Angier Avenue to North Property Line of Tax Map 591-1-47;
- b. **Water Main - Sunny Court** from Fleming Drive to Fleming Drive

was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.



**February 3, 1997**

**SUBJECT: STREET ACCEPTANCE - SPRING HILL AND INDEPENDENCE  
PARK SUBDIVISION**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to accept certain streets listed below in Spring Hill and Independence Park Subdivisions for maintenance by the City of Durham was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Spring Hill**

1. Audubon Lake Drive - from existing pavement (Sta. 16 + 30) westward to the end of pavement (630')

**Independence Park**

1. William Penn Plaza - from the east edge of Ben Franklin Boulevard eastward thru the cul-de-sac (765')
2. Technology Drive - from the centerline of Ben Franklin Boulevard northward to the end of pavement (Sta. 16 + 19) (1,619)
3. Medical Park Drive - from the centerline of Technology Drive west to the centerline of Ben Franklin Boulevard (1,139)

**SUBJECT: SITE PLAN APPROVAL - LANDLUBBERS ADDITIONS**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to approve a site plan for "Landlubbers Additions," submitted by Sunburst Properties, consisting of 14,200 square feet of new retail buildings and renovations to existing parking facilities proposed on ±1.241 acres zoned NC and F/J-B, located on the northwest corner of the intersection of Farrington Road and NC 54, west of I-40 (Tax Map #489-1-1) was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE**

**MOTION** by Council Member Larson seconded by Mayor Pro Tem Robinson to approve the official minutes of the January 9,

**February 3, 1997**

1997 Special City Council Meeting was approved at 8:12 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**GENERAL BUSINESS AGENDA**

**[PUBLIC HEARINGS]**

**SUBJECT: Curb, Gutter, and Paving - Eastwood Drive** from Alston Avenue (N/Eastward) to So-Hi Drive

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to objections, City Engineer Ken Wright requested that the properties of J. E. Gilmore and Millard Knox be referred to the Public Works Committee for further consideration.

There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for curb, gutter and paving improvements on Eastwood Drive from Alston Avenue (N/Eastward) to So-Hi Drive **and to refer the properties of J. E. Gilmore and Millard Knox to the Public Works Committee for further consideration** was approved at 8:13 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: Water and Sewer Laterals - Eastwood Drive** from Alston Avenue (N/Eastward) to So-Hi Drive

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to objections, City Engineer Ken Wright requested that the properties of J. E. Gilmore, Millard Knox and Muriel McDade be referred to the Public Works Committee for further consideration.

There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member

**February 3, 1997**

Miller to adopt a resolution confirming the assessment roll for water and sewer laterals on Eastwood Drive from Alston Avenue (N/Eastward) to So-Hi Drive **and to refer the properties of J. E. Gilmore, Millard Knox and Muriel McDade to the Public Works Committee for further consideration** was approved at 8:13 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: Sewer Main - Eastwood Drive** from Alston Avenue (N/Eastward) to So-Hi Drive

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to objections, City Engineer Ken Wright requested that the properties of J. E. Gilmore and Millard Knox be referred to the Public Works Committee for further consideration.

There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Eastwood Drive from Alston Avenue (N/Eastward) to So-Hi Drive **and to refer the properties of J. E. Gilmore and Millard Knox to the Public Works Committee for further consideration** was approved at 8:14 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: Street Opening, Curb, Gutter and Paving, Storm Drainage, Water and Sewer Mains and Water and Sewer Laterals - Wayne Street** from Ebon Road to Wortley Drive

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Messrs. William Brooks and Wallace Braswell spoke in support of this item.

No one spoke in opposition. The Mayor closed the public hearing.

**MOTION** by Council Member Larson seconded by Council Member

**February 3, 1997**

Wright to adopt a resolution ordering street opening, curb, gutter and paving, storm drainage, water and sewer mains and water and sewer laterals on Wayne Street from Ebon Road to Wortley Drive was approved at 8:26 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: ZONING MATTER CASE P96-63B, PETE DAYMONT, 3633 SOUTH ALSTON AVENUE**

Case: P96-63B

Applicant: Pete Daymont

Location: The 1.74 acre site is located at 3633 South Alston Avenue west of Old Cornwallis Road (Tax Map 570, Block 2, Lots 1, 2, and 15)

Request: Rezoning from R-20 (One Family Residence) and OI-2 (General Office and Institutional) to I-2(D) (Light Industrial with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and OI-2 and placing same in and establishing same as I-2(D).

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Bill Ripley, representing the applicant, spoke in support of the request. He stated the neighbors also supported this rezoning.

No one spoke in opposition. The public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and OI-2 and placing same in and establishing same as I-2(D) was approved at 8:27 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**SUBJECT: ZONING MATTER CASE P96-63A, PETE DAYMONT, 3633 SOUTH ALSTON AVENUE**

Case: P96-63A

**February 3, 1997**

Applicant: Pete Daymont

Location: The 1.74 acre site is located at 3633 South Alston Avenue west of Old Cornwallis Road (Tax Map 570, Block 2, Lots 1, 2, and 15)

Request: Rezoning from R-20 (One Family Residence) and OI-2 (General Office and Institutional) to I-2 (Light Industrial)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and OI-2 and placing same in and establishing same as I-2.

Zoning Committee's Recommendation: Approval; 7-0

Bill Ripley, representing the applicant, requested that this rezoning case be withdrawn.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the applicant's request for withdrawal of Zoning Case P96-63A was approved at 8:28 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**[OTHER MATTERS]**

**SUBJECT: FY 1996-97 BUDGET ORDINANCE AMENDMENT**

**MOTION** by Council Member Larson seconded by Council Member Wright to adopt "An Ordinance Amending the 1996-97 City of Durham Budget Ordinance, as Amended, the Same Being Ordinance 10753" to increase revenues and appropriations by \$5,970,537.38 was approved at 8:29 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Cox, Brown, Hyman, Langley, Larson, Miller and Wright. Noes: None. Absent: Council Members Clement, Engelhard, Griffin and McKissick.

**Ordinance #11027**

At this time, the members of Boy Scout Troop 440 were recognized. The Mayor and Council thanked them for attending the meeting.

There being no further business to come before the Council, the meeting was adjourned into closed session.

**February 3, 1997**

D. Ann Gray  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk